

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re Golden,
Tashanna B. Golden
fka Tashanna B. Pearson,

Debtor,

Chapter 7

Case No. 16-40809 (ESS)

Tashanna B. Golden
fka Tashanna B. Pearson,

Plaintiff,

Adv. Proc. No. 17-1005 (ESS)

v.

National Collegiate Student Loan Trust
2006-4, Goal Structured Solutions Trust
2016-A, Pennsylvania Higher Education
Assistance Agency d/b/a American
Education Services and Firstmark Services,

Defendants.

**DECLARATION OF AUSTIN C. SMITH
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Austin C. Smith, declare:

1. I am a partner at the Smith Law Group, L.L.P. I am a member in good standing of the Bar of the State of New York. I make these statements based on personal knowledge and would so testify if called as a witness at trial.

2. This declaration is submitted in support of Plaintiffs' Motion for Class Certification in the above captioned matter.

Experience and Background

3. I received my J.D. degree *cum laude* from the University of Maine School of Law in 2014.

4. I was admitted to the New York Bar in October 2015. I am admitted to practice before the United States District Courts, Southern and Eastern Districts of New York.

5. I spent the first two years of my legal career as an associate with the commercial litigation boutique Brewer, Attorneys and Counselors (formerly known as Bickel & Brewer). During that time, I also litigated one of the first actions successfully discharging a non-qualified private student loan, *Campbell v. Citibank et. al.*

6. I founded the Smith Law Group in July 2016 in order to devote all my time to helping debtors discharge their student loans in bankruptcy.

7. Since that time, I have commenced and/or worked on dozens of adversary proceedings and district court actions seeking discharge of private student loans, and in many instances damages arising from illegal collection efforts, including:

- (i) *Campbell v. Citibank et. al.*, 574 B.R. 49 (Bankr. E.D.N.Y. 2016). Obtained denial of Defendant Citibank's motion to dismiss, and won motion for summary judgment concerning discharge of a bar exam loan.
- (ii) *Schultz v. Navient Solutions, Inc.*, 16-AP-03042 (Bankr. D. Minn. 2016). Obtained favorable ruling on motion for partial summary judgment finding that private education loans were not excepted from discharge under section 523(a)(8)(A)(ii).
- (iii) *Kashikar v. DB Structured Products*, 15-AP-01184 (Bankr. C.D. Cal. 2015). Obtained favorable reversal as *pro bono* counsel assisting debtor from the Ninth Circuit Bankruptcy Appellate Panel concerning discharge of a private student loan made for a non-accredited school.
- (iv) *McDaniel v. Navient Solutions LLC*, 17-AP-01274 (Bankr. D. Col. 2017). Obtained *favorable* ruling on motion to dismiss for Tuition Answer loan that allegedly exceeded Cost of Attendance. Currently awaiting decision from the 10th Circuit.
- (v) *Henry et. al. v. Education Financial Services, a Division of Wells Fargo Bank N.A.*, 18-20809 (5th Cir. 2019). Representing putative class of borrowers with private education loans from non-Title IV schools and obtained favorable ruling on motion to compel arbitration that was subsequently affirmed by the Fifth Circuit.

8. I have also been appointed as interim class co-counsel in *Evan Brian Crocker et al. v. Navient Solutions, Inc. et al.*, 941 F.3d 26 (5th Cir. 2019) on behalf of a putative class of borrowers with loans to attend trade schools who received discharges in bankruptcy and allege that Navient wrongfully collected on these loans post-discharge. The Fifth Circuit held that the loans at issues are non-dischargeable, in the first Circuit-level appellate decision to address the applicability of 11 U.S.C. § 523(a)(8)(a)(ii).

9. I am committed to the full preparation of this case through the performance of necessary and reasonable discovery and am willing to take this case to trial should that become necessary. I am committed to acting in the best interest of the class, and understand my duties in that regard under applicable law

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 8th day of July, 2020.

/s/ Austin C. Smith
AUSTIN C. SMITH